

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIX SANCHEZ,
Plaintiff,

-against-

SUPERINTENDENT LEONARD A.
PORTUONDO ET AL.,

Defendants.

99-cv-1911 (JSR)

ORDER

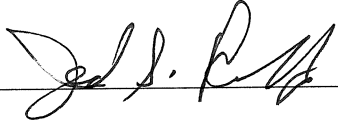
JED S. RAKOFF, U.S.D.J.

On April 4, 2020, petitioner Felix Sanchez brought a pro se habeas petition challenging the conditions of his confinement. See ECF No. 24. In a letter dated October 13, 2020, Mr. Sanchez through counsel "acknowledge[d] that he has not yet exhausted his state remedies" and requested that his petition either be held in abeyance or dismissed without prejudice to renew once he has satisfied the exhaustion requirement. ECF No. 36, at 1. Because a habeas petitioner "must first attempt to present his claim in state court," the Court dismisses without prejudice plaintiff's action for failure to exhaust administrative remedies. See *Harrington v. Richter*, 562 U.S. 86, 103 (2011); 28 U.S.C. §2254(b).

SO ORDERED.

Dated: New York, NY

10/26, 2020


JED S. RAKOFF, U.S.D.J.